

Special and Regular Meeting of December 14, 2004
Twin Pines Senior and Community Center

SPECIAL MEETING 6:00 P.M.

Joint Meeting with the Belmont Planning Commission

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Bauer, Metropulos

COUNCILMEMBERS ABSENT: None

COMMISSIONERS PRESENT: Frautschi, Wozniak, Parsons, Dickenson, Horton, Long, Gibson

COMMISSIONERS ABSENT: None

Staff Present: Interim City Manager Rich, City Attorney Savaree, Community Development Director Ewing, City Clerk Cook.

Administrative Appeals

Community Development Director Ewing stated that there was a desire for Council to be notified of administrative approvals or denials of items for which neighbors have been noticed. He clarified that this process would require an amendment to the zoning code. The Planning Commission already recommended approval, and this would be forthcoming to Council for adoption in January.

Proactive Enforcement of Conditional Use Permits

Commission Chair Gibson stated that there was frustration with the lack of followup of conditions following approval of projects. Community Development Director Ewing clarified that conditions are permanent unless amended or the Conditional Use Permit (CUP) is abandoned. He noted that noncompliance is usually a condition of behavior, and ongoing enforcement is difficult because of the lack of resources.

Council and Commission discussion ensued. Commissioner Wozniak suggested posting CUP's on line or requiring the manager of a commercial establishment to post the list of conditions, or make them available upon request. She noted that behaviors have an impact on the community.

Commissioner Horton stated there is a difference between the construction and the operator of the business subsequent to approval, which leads to the lack of follow-through on conditions. She noted that this can be aggravated by a turnover in management.

Councilmember Feierbach stated that landscaping is often an issue, and suggested the applicant pay for an arborist for ongoing review.

Commissioner Long stated he supports annual enforcement of CUP's as well as on-site posting for staff. He voiced frustration with spending hours on details of CUP's with no enforcement mechanism.

Mayor Warden stated he support on-line and on-site posting of CUP's.

Commissioner Dickenson stated he supports fines and revocation of a CUP, if egregious.

Commissioner Frautschi stated that a revocation hearing is a serious issue and recommended utilizing this action sparingly. Commissioner Long noted that the threat of revocation gives teeth to the matter and may result in quicker action.

Community Development Director Ewing reviewed the process for a revocation hearing.

Councilmember Mathewson stated that this was not a matter of being anti-business but of being pro-Belmont.

Community Development Director Ewing stated that there is no revenue generated for costs associated with enforcement of conditions. He noted that there is an unknown number of active CUP's, since some were approved many years ago. He stated that complaint-based enforcement is easier to manage.

Noise Ordinance

Commission Chair Gibson stated that there is no mechanism or standard for enforcement of noise problems. He added that the City does not own a decibel meter.

Community Development Director Ewing stated that this issue is not just a matter of decibels, but of duration, level of pitch, time of day, and zoning area including residential and commercial.

Commissioner Horton added that there is often a problem with equipment noise, and that air conditioner units are often not maintained and create noise. She recommended setting a decibel level as a standard, but noted there is no mechanism for enforcement.

Police Chief Mattei stated that Belmont has ordinances addressing party and construction noise. He described the procedure for abatement of barking dogs.

Council and Commission discussion ensued regarding noise from landscape contractors. City Attorney Savaree stated that the Finance and Community Development Department were working together to develop a new business license that may assist with enforcement. Interim City Manager Rich stated that this item was on Council's Priority Calendar, and this discussion was helpful for future consideration of an ordinance.

Height Limit

Commission Chair Gibson stated that the 28-foot height limit is not adequate to address homes built on steep lots with deep cuts in grade.

Councilmember Mathewson stated that this sometimes gives an appearance of a large home, even if it is within the maximum height limit.

Commissioner Long stated that 28 feet is an arbitrary number, and the issue is bulk.

Mayor Warden stated that bulk is subjective, and a minimum standard is needed.

Commissioner Parsons stated that there may be a desire for a higher limit on commercial property in the downtown.

Interim City Manager Rich stated that this item is on the Priority Calendar to be reviewed in March, and the Project Description Form could be amended if desired.

Permit Efficiency Task Force

Community Development Director Ewing stated that this item was on Council's December 28 agenda, when Council will give direction on the scope and makeup of the task force.

Commissioner Parsons stated that he has submitted projects for permits in other cities, and Belmont is easier than some. He recommended defining the problem.

Commissioner Horton described a recent South Bay project that was completed relative to permit efficiency for large-scale commercial projects. She noted that on-line plan check could be utilized.

Mayor Warden stated that this is not against the staff, which is delivering good services, but may be an issue of perception. He added that no in-depth study had ever been done to address this, which would be worthwhile to do. He recommended that less than a quorum of Council and Commissioners be included on the task force, and stakeholders should also be included.

Commissioner Long suggested including lay people and not just professionals.

Commissioner Frautschi supported the task force, and suggested balancing the members by adding people with positive experiences with the permit process.

Councilmember Mathewson suggested including counter staff. Councilmember Feierbach stated that developers may be reluctant to share experiences for fear of retribution on future projects.

ADJOURNMENT at this time, being 7:25 P.M., this special meeting was adjourned.

Terri Cook
Belmont City Clerk

Meeting Tape Recorded and Videotaped
Tape Number 597

REGULAR MEETING

CALL TO ORDER 9:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Bauer, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, City Attorney Savaree, Community Development Director Ewing, City Clerk Cook.

PUBLIC COMMENTS AND ANNOUNCEMENTS (10 Minutes)

Steve Eckert, Oak Knoll, presented evidence for his pending appeal before the City Council. He noted that there were eight copies of 1260 pages of materials, and he was also providing a CD ROM. His cover letter explains the links contained thereon. He stated that he intends to show abuse of discretion by the Planning Commission.

Joan Peceimer, President, Friends of the Belmont Library, thanked John Christgau, Belmont Author, for donating proceeds of his recent book signing to the Belmont Library. She also announced that the Friends were using the vacant store at Carlmont Shopping Center for book sales during the holidays, and that the Friends would be providing free giftwrapping at the San Mateo Borders store, and donations would be accepted.

Marianne Walsh-Cunningham, Malcolm Avenue, expressed concerns regarding South County Fire Authority. She suggested homeowners form a committee to find positive solutions. She values the professional fire staff.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Bauer stated he attended Carlmont High School's Winter Concert, which was held at the newly refurbished theater at Sequoia High School. He complimented them for an excellent program, and stated the students and the staff were very dedicated.

Mayor Warden thanked the Police Officers Association for sponsoring the holiday party for employees. He also thanked the Chamber of Commerce for its successful holiday party for which the Belmont Library was the beneficiary.

Councilmember Mathewson stated that he attended his first DARE graduation at Nesbit School.

AGENDA AMENDMENTS

Mayor Warden requested the removal of Item 4-C (Resolution Approving Award of Contract to Gonsalves & Stronck for the Belmont Library and Belameda Park Project) for separate consideration.

CONSENT CALENDAR

Approval of Minutes of Regular Meeting November 9, 2004.

Approval of Motion reinstituting previously-cancelled second December City Council meeting (December 28, 2004).

Approval of Resolution 9615 Authorizing the Belmont Police Department to accept a grant of \$9,244 from the California State Office of Traffic Safety as a Participating Agency in the Sobriety Checkpoint Program for Local Law Enforcement Agencies.

Approval of Resolution 9616 Approving a Permanent Encroachment Agreement for Construction of a Retaining Wall within the Public Right-of-Way at 1572 Sixth Avenue (APN 045-272-030).

ACTION: On motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the Consent Calendar was unanimously approved, as amended, by a show of hands.

Resolution Approving Award of Contract to Gonsalves & Stronck for an Amount Not to Exceed \$6,528,777, Approving a Construction Contingency Not to Exceed \$674,809 and Accepting All Bid Alternates Not to Exceed \$419,000 and Authorizing the City Manager

to Execute a Contract for Belmont Library and Belameda Park Project, City Contract #464.

Interim City Manager Rich noted that the bids were under the estimate. Finance Director Fil stated that staff and the architect worked hard to get many bidders, that six bids were received, and the low bid represented a savings of \$200,000 below the estimate. He noted the recommendation to approve all the alternates.

Mayor Warden stated that this was the last milestone in a long process that began six years prior with the original task force, and has moved forward through the efforts of staff and the community. He thanked the Friends of the Belmont Library, and made note of the generous contribution from Oracle Corporation. He noted that a groundbreaking ceremony would be held in January.

Interim City Manager Rich stated that the Steering Committee was wrapping up its work. He introduced Vickey Johnson, the new Director of the San Mateo County Library System.

ACTION: On a motion by Councilmember Bauer, seconded by Councilmember Metropulos, Resolution 9617 Approving Award of Contract to Gonsalves & Stronck for an Amount Not to Exceed \$6,528,777, Approving a Construction Contingency Not to Exceed \$674,809 and Accepting All Bid Alternates Not to Exceed \$419,000 and Authorizing the City Manager to Execute a Contract for Belmont Library and Belameda Park Project, City Contract #464 was unanimously approved by a show of hands.

HEARINGS

Hearing to Consider an Ordinance Amending Article 8, Chapter 2 (Administration) Section 2-161 of the Belmont Municipal Code, Terms of Planning Commissioners/Vacancies.

City Attorney Savaree stated that the Planning Commission appointment process got off track over the years. She clarified that the original intent was to have no more than three vacancies in any given year, but this year there would be four. She noted that this ordinance provides for a one-time split term of two years for two of the four seats, and following that, terms would revert back to three-years each. She also noted that other minor amendments addressed language regarding commission compensation and absences.

In response to Councilmember Bauer, City Attorney Savaree stated that during the upcoming appointment process, Council would advise applicants of the one-time deviation from three-year term, and would determine at the time of appointment which applicants to assign to which vacancy.

Mayor Warden opened the Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the Public Hearing was unanimously closed by a show of hands.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, and unanimously approved by a show of hands, to introduce an Ordinance

Amending Article 8, Chapter 2 (Administration) Section 2-161 of the Belmont Municipal Code, Terms of Planning Commissioners/Vacancies, waive further reading, and set the second reading and adoption for December 28, 2004.

COMMISSION, COMMITTEE UPDATES, AND STAFF ITEMS

Council Intergovernmental Assignments for 2005.

Council reviewed the current assignments list, and other than those noted below, all assignments remain the same.

San Mateo County Library JPA: Delegate Bauer, Alternate Mathewson

Liaison to Finance Commission: Alternate Metropulos

Economic Development Subcommittee: Metropulos/Mathewson, Representatives

SFO Roundtable: Alternate Metropulos

Mayor Warden expressed concern regarding recent absences of Mr. Blake, the representative to the Mosquito Abatement District. City Clerk Cook stated that Mr. Blake had experienced some medical issues recently, and that she would contact him regarding his ability to continue in this assignment.

Council concurred to eliminate the Business Roundtable, and that the Economic Development Subcommittee would remain in place and meet on an as-needed basis.

ADJOURNMENT to Closed Session, 10:30 P.M.

CLOSED SESSION

- A. Conference with Real Property Negotiators, Dan Rich and Karl Mittelstadt, Regarding Purchase of Property pursuant to Government Code Section 54956.8: APN 044-042-180.

Attended by Councilmembers Feierbach, Mathewson, Warden, Bauer, Metropulos, Interim City Manager Rich, Deputy City Attorney Zaffarano, Parks and Recreation Director Mittelstadt. City Clerk Cook was excused from attending.

(Closed Session not tape-recorded or videotaped.)

ADJOURNMENT at this time, being 11:00 P.M.

Terri Cook
Belmont City Clerk

Meeting Tape Recorded and Videotaped

(Closed Session not tape recorded or videotaped.)

Tape No. 597